

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE: )  
 )  
ITT EDUCATIONAL SERVICES, INC., *et al.*<sup>1</sup> ) Case No. 16-07207-JMC-7A  
 )  
Debtors. ) Jointly Administered

**PROPOSED AGENDA OF MATTERS SCHEDULED  
FOR OMNIBUS HEARING ON JANUARY 9, 2019 AT 1:30 P.M.**

Deborah J. Caruso, the chapter 7 trustee in this case (the “Trustee”), by counsel, pursuant to the *Notice, Case Management and Administrative Procedures* (the “Case Management Procedures”) approved by the Court on October 4, 2016 [Doc 220], submits this proposed agenda for the matters scheduled for the omnibus hearing on January 9, 2019 at 1:30 p.m. (prevailing Eastern time) (the “Hearing”). The Trustee anticipates the matters before the Court for the Hearing will take approximately one (1) hour.

**I. DIAL-IN INFORMATION**

The dial-in telephone number for interested parties to participate in the Hearing by conference call is 1-800-920-7487; passcode 87599521#. Interested parties planning on participating in the Hearing by conference call shall notify the Court before the Hearing by contacting Heather Butler (heather\_butler@insb.uscourts.gov or 317-229-3833) or Suzette Bewley (suzette\_bewley@insb.uscourts.gov or 317-229-3862).

**II. MATTERS SCHEDULED TO BE HEARD AT HEARING**

**Lead Bankruptcy Case (Case No. 16-07207)**

1. *Notice of Invoice for Proskauer Rose LLP’s Fees and Expenses for the Period October 1, 2018 through October 31, 2018 [Doc 3078]*, filed by Proskauer Rose LLP.

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<sup>1</sup> The debtors in these cases, along with the last four digits of their respective federal tax identification numbers are ITT Educational Services, Inc. [1311]; ESI Service Corp. [2117]; and Daniel Webster College, Inc. [5980].

- **Status:** There were no objections filed by the December 7, 2018 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [Doc 1569], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
2. *Notice of Invoice for McKool Smith, P.C. Fees and Expenses for the Period of November 1, 2018 through November 30, 2018 with Respect to the Deloitte Claims [Doc 3083]*, filed by McKool Smith, P.C.
- **Status:** There were no objections filed by the December 18, 2018 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [Doc 1569], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
3. *Notice of Invoice for McKool Smith, P.C. Fees and Expenses for the Period of October 24, 2018 through November 30, 2018 with Respect to the Peaks AP [Doc 3084]*, filed by McKool Smith, P.C.
- **Status:** There were no objections filed by the December 18, 2018 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [Doc 1569], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
4. *Notice of Invoice for BGBC Partners, LLP's Fees and Expenses for the Period of November 1, 2018 through November 30, 2018 [Doc 3085]*, filed by BGBC Partners, LLP.
- **Status:** There were no objections filed by the December 19, 2018 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [Doc 1569], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
5. *Notice of Invoices for Faegre Baker Daniels LLP's Fees and Expenses for the Period November 1, 2018 through November 30, 2018 (To be Paid by Debtors' Estate) [Doc 3110]*, filed by Faegre Baker Daniels LLP.
- **Status:** There were no objections filed by the December 27, 2018 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [Doc 1569], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.

6. *Notice of Invoices for Faegre Baker Daniels LLP's Fees and Expenses for the Period November 1, 2018 through November 30, 2018 (To be Paid by Debtors' Pension Plan)* [Doc 3111], filed by Faegre Baker Daniels LLP.
  - **Status:** There were no objections filed by the December 27, 2018 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [Doc 1569], Faegre Baker Daniels has or will receive in the near future payment of its requested fees and expenses from the respective sources indicated in the notices. Not going forward at the Hearing.
7. *Notice of Invoice for Proskauer Rose LLP's Fees and Expenses for the Period November 1, 2018 through November 30, 2018* [Doc 3112], filed by Proskauer Rose, LLP.
  - **Status:** There were no objections filed by the December 27, 2018 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [Doc 1569], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
8. *Final Fee Application of A&G Realty Partners, LLC for Compensation for Services Rendered and Reimbursement of Expenses Incurred as Real Estate Broker for the Trustee* [Doc 3103], filed by the Trustee.
  - **Status:** On January 7, 2019, the Trustee filed the *Amended Final Fee Application of A&G Realty Partners, LLC for Compensation for Services Rendered and Reimbursement of Expenses Incurred as Real Estate Broker for the Trustee* [Doc 3135]. As a result, this matter has been reset for the omnibus hearing on January 30, 2019. Not going forward at the Hearing.
9. *Trustee's Motion to File Under Seal Indefinitely the Unredacted Settlement Agreement with Deloitte & Touche LLP* [Doc 3100], filed by the Trustee.
  - **Status:** No objections filed by the January 2, 2019 objection deadline. Per the Court's January 2, 2019 Orders [Docs 3125 & 3127], the objection deadline for the United States Trustee has been extended and the matter has been continued to the omnibus hearing on January 30, 2019. Not going forward at the Hearing.
10. *Trustee's Motion to File Under Seal Indefinitely the Unredacted Final Fee Application of McKool Smith, P.C. as Litigation Counsel for the Trustee in Connection with the D&T Claims* [Doc 3101], filed by the Trustee.

- **Status:** No objections filed by the January 2, 2019 objection deadline. Per the Court's January 2, 2019 Orders [Docs 3126 & 3128], the objection deadline for the United States Trustee has been extended and the matter has been continued to the omnibus hearing on January 30, 2019. Not going forward at the Hearing.
11. *Trustee's 9<sup>th</sup> Omnibus Motion to Compromise and Settle Avoidance Claims in the Gross Amount of \$50,000.01 or More [Doc 3091]*, filed by the Trustee.
- **Status:** No objections filed by the January 2, 2019 objection deadline. Going forward at the Hearing.

**Caruso v. Student CU Connect CUSO, LLC et al. (Adversary No. 17-50101)**

1. Continued hearing on *Motion to Dismiss Complaint with Prejudice of Defendants Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union [Doc 20]* filed by Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union and *Defendant CommunityAmerica Credit Union's Motion to Dismiss and Brief in Support [Doc 22]*, filed by CommunityAmerica Credit Union.
- *Memorandum of Law in Support of Motion to Dismiss Adversary Complaint of Defendants Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union [Doc 21]*, filed by Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union.
  - *Joinder by Defendants Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union to Defendant CommunityAmerica Credit Union's Motion to Dismiss and Brief in Support [Doc 24]*, filed by Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union.
  - *Plaintiff's Omnibus Memorandum of Law in Opposition to Defendants' Motions to Dismiss [Doc 29]*, filed by the Trustee.

- *Defendant CommunityAmerica Credit Union's Reply Brief in Support of its Motion to Dismiss [Doc 33]*, filed by CommunityAmerica Credit Union.
- *Reply Memorandum of Defendants Student CU Connect CUSO, LLC, the Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union in Support of Their Motion to Dismiss the Adversary Complaint [Doc 34]*, filed by Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union.
- *Joinder by Defendants Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union to Defendant Community America Credit Union's Reply Brief in Support of Its Motion to Dismiss [Doc 37]*, filed by Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union.
- **Status:** Per the Court's January 8, 2019 Order [Doc 78], this matter has been continued to February 20, 2019 at 1:30 p.m. Not going forward at the Hearing.

**Caruso v. Next Step Learning Solutions LLC (Adversary No. 18-50242)**

1. *Motion for Default Judgment [Doc 9]*, filed by the Trustee.

- **Status:** Going forward at the Hearing.

**Caruso v. Last Second Media Inc. (Adversary No. 18-50302)**

1. *Motion for Default Judgment [Doc 7]*, filed by the Trustee.

- **Status:** Going forward at the Hearing.

**Caruso v. Universal Protection Services, LLC d/b/a Allied Universal Security Services LLC (Adversary No. 18-50181)**

1. *Motion for Default Judgment [Doc 7]*, filed by the Trustee.

- **Status:** Going forward at the Hearing.

**Caruso v. Off Duty Officers Inc. (Adversary No. 18-50234)**

1. *Motion for Default Judgment [Doc 7]*, filed by the Trustee.

- **Status:** Going forward at the Hearing.

**III. NOTICE**

Pursuant to the Case Management Procedures, the Trustee will serve this proposed hearing agenda on the Core Group (as defined in the Case Management Procedures) and each entity who has filed and served a court filing set to be heard at the Hearing.

Respectfully submitted,

RUBIN & LEVIN, P.C.

By: /s/ Meredith R. Theisen

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 8, 2019, a copy of the foregoing *Proposed Agenda of Matters Scheduled for Omnibus Hearing on January 9, 2019 at 1:30 p.m.* was filed electronically. Pursuant to Section IV.C.3(a) of the Case Management Procedures, notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on January 8, 2019, pursuant to Section IV.C.3(c) of the Case Management Procedures, a copy of the foregoing *Proposed Agenda of Matters Scheduled for Omnibus Hearing on January 9, 2019 at 1:30 p.m.* was emailed to the following:

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/s/ Meredith R. Theisen

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